

houses in said proportion; provided that the public printer shall not be paid for composition but one time.

The said bound volumes to be in the hands of the members of the Legislature within thirty days from the passage of this resolution.

Provided further, that in addition to the two hundred copies to be bound in flexible Morocco, as herein provided, there shall be one hundred paper-bound copies printed and turned over to the Secretary of State for the use in the Legislature hereafter, and fifty copies to be delivered to the State Librarian for exchange with other State libraries; that the members of the press, working as such in the Thirty-ninth Legislature, be provided a copy of said manual by the Secretary of State; and

Provided further, that there shall be printed ten thousand copies of the constitution of the State of Texas in paper-bound pamphlet form and that each member of the House and Senate shall be entitled to twenty-five copies for distribution, and that the remainder shall be turned over to the Secretary of State for free distribution to the citizens of Texas, upon application therefor.

### THIRTY-EIGHTH DAY.

Senate Chamber,  
Austin, Texas.

Wednesday, March 4, 1925.

The Senate met at 4:20 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis	Reid.
Fairchild.	Russek.
Floyd	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

### Absent.

Miller. Ward.

Prayer by Rev. J. C. Mitchell, chaplain of the House of Representatives.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

### Petition.

Austin, Texas, March 4, 1925.

Hon. Barry Miller, President of the Senate.

Sir: As the Regular Session of the Legislature is drawing to a close, I thought it best to call the attention of the Senate to the fact that the appropriation for the administration of the Pink Bollworm Law has not been passed, and in the closing days of the session, might fail to pass, because of the congestion of the calendar.

While the Pink Bollworm has been eradicated in the eastern part of the State, it has been found in the counties of Brewster, Presidio, Ward, Reeves, El Paso, Hudspeth and Pecos. The infestation in the counties of Brewster and Presidio is quite serious, the damage reaching as high as forty per cent on some farms. We have these counties under quarantine and have the seed sterilized at the gins and now require the seed to be crushed in the zone where grown, and require the lint to be shipped direct to the ports, and have the fields cleaned up and take every precaution we think necessary to keep this cotton pest from spreading to other localities.

The total expense of conducting this regulatory work during the last fiscal year was \$16,868.54, and the expense in the future should be about the same for each year.

We are not asking an additional appropriation, but request that you reappropriate the unexpended balance of the present appropriation for the next two years, and we will try to expend the funds judiciously, and to prevent the further spread of this pest.

Should you fail to make this appropriation, the Federal Government would probably intervene, for the protection of other states, and put on drastic quarantine regulations, that would be very expensive and oppressive to our citizens.

For the safety of the cotton industry, I earnestly request the members of the Senate to see that the bill making the appropriation for continuation of this work be passed before the session adjourns.

The work now being done is satisfactory to the Federal authorities, and they will not interfere by drastic quarantines, unless the State fails to carry on the work now being done.

Respectfully,

GEO. B. TERRELL,  
Commissioner.

The above is printed here by order of the Chair.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, March 4, 1925.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has failed to pass:

S. B. No. 72, A bill to be entitled "An Act to amend Section 1 and Section 5 of Chapter 16, Acts of the Regular Session of the Thirty-fifth Legislature as amended by Chapter 58, Acts of the Regular Session of the Thirty-fifth Legislature constituting the judges of the district court and county judge of counties of certain population a juvenile board of such county and prescribing the powers and duties of such board, including the appointment by it of probation officers and providing for the payment of compensation for such officers and allowing the said district judges an additional salary to be paid out of the general fund of such county; providing for the fixing of such additional salary by the commissioners court of such counties; and declaring an emergency," and

S. B. No. 117, A bill to be entitled "An Act to amend Article 1689 of the Revised Civil Statutes of the State of Texas providing that the bond of the district clerk shall be made in such a sum as the commissioners' court may direct, not to exceed twenty-five thousand (\$25,000.00) dollars, and providing for the paying for said bond by the commissioners' court out of the general funds of the county."

Has passed:

H. B. No. 320, A bill to be entitled "An Act to amend Article 6901a of Chapter 1, Title 1119, of the Revised Statutes of Texas of 1911, as enacted by Chapter 29, of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and as amended by Chapter 98 of the General Laws, Regular Session of the Thirty-sixth Legislature, and as

amended by Chapter 184 of the General Laws, Regular Session of the Thirty-eighth Legislature, being an Act to change the designated year upon which is based the assessed valuation of taxable properties affected by the Act to be amended, and relating to the compensation of county commissioners; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 473, A bill to be entitled "An Act to amend an Act of the Second Called Session of the Thirty-eighth Legislature, Chapter 29, entitled 'Enlarging the Megargel Independent School District; an Act defining the boundaries of the Megargel County Line Independent School District; providing for the transportation of pupils; for assessing and collecting taxes; authorizing the trustees to sue for the collection of delinquent taxes; providing that said district assume payment of that pro rata part of indebtedness due by the district on account of territory out of said district by this Act; providing that any part of this Act being declared invalid shall not affect other parts; giving the trustees the right to increase the area of said district, and declaring an emergency."

H. B. No. 498, A bill to be entitled "An Act repealing Chapter 17, Local and Special Laws, enacted by the First Called Session of the Thirty-third Legislature, and amended by the Regular Session of the Thirty-sixth Legislature, entitled 'San Patricio County Road System;' creating and providing that the General Laws of the State of Texas relating to working roads, appointing overseers, the issuance of bonds for the construction of public roads, shall be applicable to San Patricio County, validating all defined road districts defined, created and established under and by virtue of said San Patricio County special road law, as well as the road bonds issued thereunder, and declaring an emergency."

S. B. No. 51, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches, or any

part thereof, within the time required by law, and declaring an emergency."

Respectfully submitted,  
C. L. PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills and Resolutions.

S. J. R. No. 21, A joint resolution "Proposing an amendment to Article 16 of the constitution of the State of Texas by inserting a section to be known as Section 30b of said article, authorizing the Legislature to provide for the election of school trustees and members of boards of education and members of other municipal boards and commissions who serve without compensation, and to fix their terms not to exceed seven years, and permitting cities having over 5000 inhabitants to exercise the same powers as to the members of such boards and commissions, and when such a city constitutes an independent school district, permitting it to so fix the terms of its school trustees or members of its board of education; all of such powers to be exercised by cities in accordance with Article 11, Section 5 of this constitution, and providing for the submission of such amendment for ratification or rejection at the next general election, and making an appropriation to defray the expenses of said election."

Read first time and referred to Committee on Constitutional Amendments.

#### Senate Bill No. 417.

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 417, A bill to be entitled "An Act to aid in protection of the property and lives of the citizens of Cameron and Willacy Counties, from further disastrous and calamitous overflows and conserving and increasing the State revenues derived from said counties by granting and donating to Cameron County, for a term of twenty-five years, or so much thereof as may be necessary, a portion of the State ad valorem taxes levied and collected on property subject to taxation in said county, to be used in part payment of interest and sinking fund of bonds to be issued by said county to provide for the construction of the necessary breakwaters, levees, dykes, floodways and drainways to protect

Cameron and Willacy Counties from such overflows, and providing for the administration of this Act."

The bill was read second time, and the committee report was adopted.

Senator Parr offered the following amendment, which was read and adopted:

Amend S. B. No. 47, by adding a new section to read as follows and amend caption to correspond:

Section 7. The fact that there is eminent danger to life and property in the area provided in this bill, creates an emergency, requiring that the constitutional rule that bills be read on three several days in each House be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Senator Murphy offered the following amendment, which was read and adopted:

Amend S. B. No. 417, Section 4, line 16, page 889, by inserting after the word "grant" the following "and said County of Cameron shall bond itself for the full constitutional limit for said purposes herein and assess and collect taxes on the county to pay said bonds and the excess after payment of the bonds shall be paid to the State of Texas."

The bill was passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 417 put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Pollard.
Berkeley.	Price.
Bledsoe.	Real.
Bowers.	Reid.
Davis.	Russek.
Fairchild.	Smith.
Floyd.	Strong.
Hardin of Erath.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Murphy.	Wood.
Parnell.	Woodward.
Parr.	

Nays—1.

Hardin of Kaufman

Absent.

Moore of Cooke.

The bill was laid before the Senate, read third time, and Senator Hardin of Kaufman moved that the further consideration of the bill be indefinitely postponed.

The motion was lost.

The bill was finally passed, by the following vote:

**Yeas—22.**

Berkeley.	Parr.
Bowers.	Pollard.
Davis.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hardin of Erath.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Witt.
Moore of Hunt.	Wood.
Parnell.	Woodward.

**Nays—5.**

Hardin of Kaufman	Price.
Moore of Cooke.	Smith.
Murphy.	

**Present—Not Voting.**

Bledsoe.	Wirtz.
Strong.	

**Absent.**

Bailey.

**House Bill No. 535.**

(By Unanimous Consent.)

The Chair laid before the Senate, on second reading,

H. B. No. 535, A bill to be entitled "An Act to amend Section 20, Chapter 118, Special Laws, passed at the Regular Session of the Thirty-fifth Legislature, the same being a special road law for Cherokee County, Texas; providing the method of handling funds derived from road district bonds, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 535 put on its third reading and final passage, by the following vote:

**Yeas—31.**

Bailey.	Davis.
Berkeley.	Fairchild.
Bledsoe.	Floyd.
Bowers.	Hardin of Erath.

Hardin of Kaufman Reid.

Holbrook.	Russek.
Lewis.	Smith.
Miller.	Strong.
Moore of Hunt.	Stuart.
Moore of Cooke.	Triplett.
Murphy.	Ward.
Parnell.	Wirtz.
Parr.	Witt.
Pollard.	Wood.
Price.	Woodward.
Real.	

H. B. No. 535 was laid before the Senate, read third time and passed finally, by the following vote:

**Yeas—31.**

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.
Parnell.	

**House Bill No. 42.**

The Chair laid before the Senate, on second reading,

H. B. No. 42, A bill to be entitled "An Act to regulate and more definitely prescribe the matter of handling trustees around the penitentiaries and the penitentiary farms and repeal all laws and parts of laws in conflict with this Act."

H. B. No. 42 was laid before the Senate, read third time, and passed finally.

**House Bill No. 52.**

The Chair laid before the Senate, on third reading,

H. B. No. 52, A bill to be entitled "An Act to amend Article 788 of the Code of Criminal Procedure, by repealing Subdivision 3 thereof."

The bill was read third time, and passed finally.

**House Bill No. 430.**

The Chair laid before the Senate, on second reading,

H. B. No. 430, A bill to be entitled "An Act to amend Section 1 of Chap-

ter 47, of the Local and Special Laws of the Thirtieth Legislature, Regular Session, as amended in Chapter 39, Local and Special Laws of the Thirty-sixth Legislature, Regular Session, and in Chapter 66, Special Laws of the Thirty-seventh Legislature, Regular Session, being entitled 'An Act creating the Eldorado Independent School District in Schleicher County, Texas,' so as to redefine the boundaries of the said district; repealing all laws and parts of laws in direct conflict herewith, and declaring an emergency."

The Committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 104.

The Chair laid before the Senate, on second reading,

H. B. No. 104, and the bill was laid on the table subject to call.

#### House Bill No. 27.

The Chair laid before the Senate, one second reading,

H. B. No. 27, A bill to be entitled "An Act amending Chapter 127 of the General Laws of the Regular Session of the Thirty-sixth Legislature, relative to highway traffic officers, so as to require the wearing of uniforms by such officers and providing for the payment of salaries of such officers, and that no fees shall be charged for any service of such officer, and declaring an emergency."

The bill was read second time, and passed to a third reading.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, March 4, 1925.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 26, relative to the President of the Senate and the Speaker of the House rescinding their signatures to H. B. No. 218.

Respectfully submitte,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

#### House Concurrent Resolution No. 26.

The Chair laid before the Senate, H. C. R. No. 26, relative to the President of the Senate and the

Speaker of the House rescinding their signatures to H. B. No. 218.

The resolution was read and adopted.

#### House Bill No. 86.

The Chair laid before the Senate, on second reading,

H. B. No. 86, A bill to be entitled "An Act creating the Sayers Independent School District; describing the boundaries thereof; providing a board of trustees for its government; granting supervision exemptions for it; investing it with power to make oil leases; applying General Laws to it; retaining its liabilities, assets and tax rate, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 252.

The Chair laid before the Senate, on second reading,

H. B. No. 252, A bill to be entitled "An Act creating and establishing Rotan Independent School District, in Fisher County, Texas; defining and describing it by metes and bounds; providing for the government thereof; providing for it to assume the outstanding school contracts and indebtedness applicable to the territory so included; vesting in it the title to all school property situated in the territory so included; providing for the government thereof as under the General Laws applicable to towns and villages incorporated for school purposes only; providing for extension of boundaries thereof, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time, and passed to a third reading.

#### House Bill No. 309.

The Chair laid before the Senate, on second reading,

H. B. No. 309, A bill to be entitled "An Act to increase and fix the salary of the superintendent of public instruction of McLennan County, Texas; providing for office expenses, repealing all laws in conflict herewith, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time, and passed to a third reading.

#### House Bill No. 315.

The Chair laid before the Senate, on second reading,

H. B. No. 315, A bill to be entitled "An Act creating Red Ranger Common School District No. 116, in Bell County, Texas, fixing its boundaries by metes and bounds, dissolving and abolishing the old Cyclone School District No. 9, and out of a part of same by this special Act creating and establishing the said Red Ranger Common School District No. 116, situated in said county of Bell; providing for the payment of any indebtedness and bonds, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 319.

The Chair laid before the Senate, on second reading,

H. B. No. 319, A bill to be entitled "An Act enlarging and re-establishing the limits and defining the territory embraced within the Theny Independent School District in Comanche County, Texas, divesting control of the free schools in said district from the existing district and investing the same in the district herein created, etc."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 390.

The Chair laid before the Senate, on second reading,

H. B. No. 390, A bill to be entitled "An Act to create the Anson Independent School District in Jones County, Texas, including therein the present Anson Independent School District, incorporated under the General Laws; providing a board of trustees therefor; vesting said Anson Independent School District board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing for the validation of all contracts, bonds or other valid indebtedness and tax levies of the

present Anson Independent School District, as the subsisting obligations and acts of the Anson Independent School District as created by this Act; providing for an election to determine as to the assumption of outstanding bonded indebtedness of territory hereby incorporated, as herein set out, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 404.

The Chair laid before the Senate, on second reading,

H. B. No. 404, A bill to be entitled "An Act to create the Oklahoma Independent School District in Parmer County, Texas, out of territory now comprising Common School District No. 10 of Parmer County, as heretofore created by the county board of trustees thereof; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the said Oklahoma School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 10 of Parmer County; providing that title to any and all property of said common school district shall be vested in the trustees of independent school district hereby created; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected and qualified in accordance with the General Laws of Texas, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 414.

The Chair laid before the Senate, on second reading,

H. B. No. 414, A bill to be entitled "An Act creating the Bessmay Independent School District in Jasper County, Texas, out of part of the

territory included in the Buna Independent School District; defining the boundaries of Buna Independent School District; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the boards of trustees thereof; declaring that all taxes or bonds heretofore authorized by any former school district included within the bounds thereof shall remain in full force and effect; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report, providing that the bill be not printed, and with amendments, was adopted.

The bill was read second time and and passed to a third reading.

#### House Bill No. 417.

The Chair laid before the Senate, on second reading,

H. B. No. 417, A bill to be entitled "An Act to amend Section 1, Chapter 70, of the Acts of the Thirty-sixth Legislature, Third Called Session, entitled 'An Act creating an independent school district, to be known as the Dumas Independent School District, etc.,' by redefining and adding to the Dumas Independent School District all the territory now embraced in Common School District No. 1, of Moore County, Texas, and adding thereto Section 1a; divesting the said Common School District No. 1 of the control of the public free schools in said District No. 1, and vesting the said Dumas Independent School District with full control of the public free schools within the limits of said independent school district, as herein defined, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 450.

The Chair laid before the Senate, on second reading,

H. B. No. 450, A bill to be entitled "An Act amending Chapter 9 of the Local and Special Laws of the Thirty-third Legislature, entitled 'An Act creating the Bishop Independent

School District in Nueces County, Texas, including within its boundaries the municipal corporation of the city of Bishop, and known as House Bill No. 57, by redefining the boundaries of and adding to the Bishop Independent School District certain territory lying west now embraced in Common School District No. 24 in Nueces County, Texas, and providing that the entire Bishop Independent School District as herein created, may by an election held for that purpose, assume and become liable for all legal indebtedness of the Bishop Independent School District as it heretofore existed; continuing in office the present trustees until the next regular trustee election; providing for election of trustees and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees full powers granted under General Laws and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to levy tax to pay current expenses for the maintenance and support of said schools; providing for a board of equalization and prescribing the duty and authority of the board of trustees; declaring valid an issue of bonds heretofore made; declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this Act, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 465.

The Chair laid before the Senate, on second reading,

H. B. No. 465, A bill to be entitled "An Act creating and incorporating the Hunter Independent School District in Terry County, Texas, out of territory now composing the Hunter Common School District No. 12, in said county as heretofore created; defining its boundaries; providing for a board of trustees thereof, and defining their powers and authority; authorizing said board of trustees to levy, assess and collect taxes for maintenance and building purposes and to issue bonds therefor; providing for a board of equalization of

said district; providing that all outstanding obligations and indebtedness of said Common School District No. 12, in Terry County, shall be assumed by and become binding obligations of said Hunter Independent School District; providing for the validation of all such obligations and indebtedness; continuing in force the certain maintenance tax heretofore voted in said Common School District No. 12; providing that title to all public free school property within said territory shall be vested in said Hunter Independent School District; providing for the election and terms of office of trustees of said Hunter Independent School District, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

#### House Bill No. 277.

The Chair laid before the Senate, on second reading,

H. B. No. 277, A bill to be entitled "An Act to provide for the issuance of oil and gas leases on University land and continuing in force all other laws relating to the issuance of oil and gas permits and development of oil and gas on University lands except such laws and parts of laws as may be in conflict with this Act, and declaring an emergency."

The bill was read, and

Senator Wirtz offered the following amendments, severally, which were read and adopted:

Amend H. B. No. 277, by striking out the caption and substituting the following:

#### A BILL To Be Entitled

An Act for the sale of oil and gas leases on University land and to provide for the extension of the time for the expiration of oil and gas permits heretofore issued on University land, and the issuance of leases thereon without the payment of any further sum except royalty, and declaring an emergency.

Amend H. B. No. 277, by striking out all below the enacting clause and substitute the following:

Be it enacted by the Legislature of the State of Texas:

Section 1. That all University land now unsold and all of said land that has heretofore been sold with

reservation of the minerals therein and that which may hereafter be sold with reservation of the minerals therein, whether known or unknown, shall be included in this Act and leases thereon conferring upon person, firms and corporations the right to develop the oil and natural gas that may be in said land shall be subject to sale by the Commissioner of the General Land Office in accordance with the provisions of this Act and under such rules and regulations as may be adopted by said Commissioner as may be necessary to the proper execution of its purposes: provided, land on which there are now oil and gas permits and leases outstanding, shall not be affected by this Act except as provided in Section 14 hereof.

Sec. 2. Sales of minerals leases on the lands included therein shall be made by the Commissioner of the General Land Office not less than once each month, when there is land in demand, and at ten o'clock a. m., on the day fixed therefor. Sales of leases shall be for a royalty of one-eighth of the gross production of the oil and gas produced and saved from the leased premises delivered to the State for the benefit of the University permanent fund in the pipe line to which leasee may connect his wells premises and not less than ten cents per acre in advance each year during the term of the lease and in addition thereto such sum of money, if any, that one may pay therefor as provided herein. Applications may be filed up to the hour of opening bids.

Sec. 3. The commissioner shall advertise the land and the time when the mineral lease will be subject to sale, except as elsewhere provided in the event of tie bids. If there should be no other sufficient means for giving the necessary publicity as to what tracts will be subject to lease and the time when applications may be delivered to the General Land Office, the commissioner shall have lists of such tracts printed for free distribution at the expense of the State, which expense shall be paid out of the appropriation for public printing. Such lists shall contain a brief designation of the tracts subject to lease and the terms upon which they may be leased and the time when applications therefor will be opened and filed in the General Land Office.



Sec. 4. Separate applications for each tract with one dollar for county clerk recording fee, and the first payment of ten cents per acre and the sum offered in addition thereto, if any, for any tract shall be delivered into the General Land Office on or before the day and hour on which the lease will be subject to sale in sealed envelopes on which shall be endorsed in substance "Application to buy oil and gas," and in addition thereto the time the lease will be subject to sale. All envelopes so endorsed shall be securely kept by the commissioner or his chief clerk unopened until the date on which applications are to be opened and at said hour either or both of them shall begin to open the envelopes in the presence of such persons as may desire to be present. All applications received up to the opening hour, whether open or sealed, endorsed or not endorsed, shall be considered as properly delivered into the General Land Office. An application which includes two or more tracts or is for a price less than the fixed royalty and ten cents per acre shall be void. When an application shall have been filed and considered and the land found to be subject to lease, the lease shall be issued for a term not to exceed five years to the applicant that pays the most, if any sum, for the area in addition to the ten cents per acre and the stipulated royalty. If production should not be secured in five years the lease shall terminate and another lease on the land again be subject to sale as in the first instance. A duplicate of the lease shall be kept on file in the General Land Office. All leases shall be forwarded by the commissioner, with one dollar recording fee, to the proper county clerk, who shall record same and deliver the lease to the lessor or his agent. If two or more persons should offer the same price for the same area and the same should be the highest price offered, all shall be respected and a date fixed within the discretion of the commissioner, but not more than fifteen days after rejection, when a lease on the land will be subject to sale as in the first instance; provided, no lease shall be sold for a sum less than the tie bid without the tract having been duly advertised and offered for sale on a regular sale date. All sums paid

upon rejected applications shall be returned by the State Treasurer.

Sec. 5. Whenever production is secured in paying quantities and the payment of royalty begins, the owner shall not pay any further annual rental. After production is secured in paying quantities, the owner shall be entitled to an absolute lease which shall run so long as the area produces in paying quantities, subject only to the provisions of this Act. Whenever a lease ceases to produce in paying quantities or the owner fails to pay to the State the royalty due, it shall be subject to forfeiture by the commissioner, and when sufficiently informed of the facts which authorize a forfeiture he shall forfeit it and the area shall be again offered for sale as in the first instance.

Sec. 6. Royalty of one-eighth of the gross production, as herein provided, shall be paid to the General Land Office for the benefit of the University permanent fund on or before the twentieth day of each month for the preceding month during the life of the lease, and it shall be accompanied by the sworn statement of the owner, manager or other authorized agent showing the gross amount of oil produced and saved since the last report, and the amount of gas produced and sold off the premises, and the market value of the oil and gas together with a copy of all daily guages of tanks, gas meter readings, if any, pipe line receipts, gas line receipts and other checks or memoranda of amount produced and put into pipe lines, tanks or pools and gas lines or gas storage. The books and accounts, the receipts and discharges of all lines, tanks, pools and meters, and all contracts and other records pertaining to the production, transportation, sale and marketing of the oil and gas shall at all times be subject to inspection and examination by the Commissioner of the General Land Office, the Attorney General, the Governor, or the representative of either.

Sec. 7. Royalty and all other sums shall be due and payable to the State at Austin, Texas, and shall be paid to the Commissioner of the General Land Office and he shall transmit all remittances in the form received to the State Treasurer, who shall credit the permanent Univer-

sity fund with all amounts received from royalty. All payments shall be in the form of cash, bank draft on some State or National bank in Texas, or postoffice or express money order, or such other form as may be collectible in Austin.

Sec. 8. The State shall have a first lien upon all oil and gas produced upon any leased area to secure the payment of all unpaid royalty and other sum or sums of money that may be due and become due under the provisions of this Act and may follow the same and the value thereof into the hands of any purchaser.

Sec. 9. If oil or gas should be produced in commercial quantities in a well on an adjoining area whether privately owned, or covered by separate lease, which well should be within five hundred feet of an area leased under this Act, the owner of the lease on such University area shall, within sixty days after the initial production on such privately owned area, begin in good faith and prosecute diligently the actual drilling of an offset well or wells on the area so leased from the State and such offset well or wells shall be drilled to such depth and under such conditions as may be necessary to prevent the undue drainage of oil and gas beneath such University area. A log of such well, whether producer or non-producer, shall be filed in the General Land Office within thirty days after the well has been completed or abandoned.

Sec. 10. One may transfer his lease at any time or a part thereof in any size tract not less than ten acres and such transfer shall be recorded in the county or counties in which the area or part thereof is situated and the recorded transfer or certified copy of same shall be filed in the General Land Office accompanied by one dollar as filing fee and ten cents per acre for each acre in the transfer and thereby the assignee shall have his portion separated from the other part and succeed to all the rights and be subject to all the obligations and penalties of the original lessee. The ten cents per acre as a transfer fee shall be deposited into the State Treasury to the credit of the Available University Fund, and the lease rental of ten cents per acre and the bonus paid by a purchaser shall be deposited in

the State Treasury to the credit of the University Permanent Fund.

Sec. 11. An owner may relinquish his lease to the State at any time by having the relinquishment recorded in the county or counties in which the area or part thereof is situated and the recorded relinquishment or certified copy of same shall be filed in the General Land Office accompanied by one dollar as filing fee, and thereby the owner of such lease shall be relieved of any further obligations to the State but such relinquishment shall not have the effect to release the owner from any obligations or liabilities theretofore accrued in favor of the State. The area so relinquished shall be subject to lease as in the first instance.

Sec. 12. If the owner of a lease should fail or refuse to make the payment of any sum due thereon either as rental or royalty on the production within thirty days after same shall become due, or if such owner or his authorized agent should make any false return or false report concerning production, royalty or drilling, or if such owner should fail or refuse to drill any false well or wells in good faith as required by this Act, or if such owner or his agent should refuse the proper authority access to the records or other data pertaining to the operations under this Act, or if such owner or his authorized agent should fail or refuse to give correct information to the proper authority, or fail or refuse to furnish the log of any well as provided herein, such lease shall be subject to forfeiture by the Commissioner of the General Land Office and when sufficiently informed of the facts which authorized a forfeiture, the commissioner shall forfeit same, and the area shall be subject to lease again after due advertisement; provided, such forfeiture may be set aside and the lease and all rights thereunder reinstated before the rights of another intervene; upon satisfactory evidence of future compliance with the provisions of this Act and the rules and regulations authorized to be adopted for the purpose of executing its provisions.

Sec. 13. Whenever it may be necessary for the owner of a lease to enter the enclosed land of another for the purpose of ingress and egress to and from the area so leased from the State and such lessee and owner of enclosure or agent of the owner cannot agree upon the terms of place of

entry, the lessee or his agent may petition the commissioners' court of the county or counties in which such enclosure may be situated in whole or in part for the opening of such way of ingress and egress aforesaid as may be necessary. Upon the filing of such petition it shall be the duty of said court or courts to proceed to lay out and establish in the manner provided for the laying out of third class public roads, such road or roads as may be necessary for the purposes named herein.

Sec. 14. All oil and gas permits heretofore issued upon lands included herein and now in force shall be extended for a term of five years from date thereof and whenever production is secured in paying quantities and the payment of royalty begins, the owner shall not pay any further annual money rental. After production is secured in paying quantities the owner shall be entitled to a lease which shall run so long as the area covered by his lease produces oil or gas in paying quantities, subject to the provisions of this Act.

Sec. 15. The importance of this proposed legislation and the near approach of the close of this session creates an emergency and an imperative public necessity that the rule requiring bills to be read on three separate days in each House be suspended and that this be placed upon its third reading and final passage and take effect from and after its final passage, and it is so enacted.

The bill was then passed to a third reading.

#### House Bill No. 163.

The Chair laid before the Senate, on second reading,

H. B. No. 163, A bill to be entitled "An Act creating the office of Public Weigher in all counties in Texas having a population of not less than 25,000, and not more than 25,700, according to the census of the United States taken in 1920, and prescribing the qualifications for such office and the powers and duties thereof."

The bill was passed to a third reading.

#### Senate Bill No. 223.

Senator Woodward moved that S. B. No. 223 be made a special order for tomorrow after the morning call.

The motion was adopted.

#### House Bill No. 477.

The Chair laid before the Senate, on second reading,

H. B. No. 477, and

Senator Real moved that the bill be made a special order for 10 o'clock tomorrow morning.

The motion was adopted.

#### House Bill No. 94.

The Chair laid before the Senate, on second reading,

H. B. No. 94, A bill to be entitled "An Act to amend Article 1610, Title 18 of the Penal Code of the State of Texas, relating to the modes of punishment of convicts, fixing punishment for violations thereof, and declaring an emergency."

The bill was read second time, and Senator Lewis offered the following amendment, which was read and adopted:

Amend H. B. No. 94, page 1, by placing a period after the word "humane" in line 25, and striking out the word "and" in said line, also all of line 26 and the word "prohibited" in line 27.

The bill was then passed to a third reading.

#### House Bills on First Reading.

The following House bills were laid before the Senate, read severally, first time, and referred to appropriate committees:

H. B. No. 498 referred to Committee on Highways and Motor Traffic.

H. B. No. 473 referred to Committee on Educational Affairs.

H. B. No. 320 referred to Committee on State Affairs.

#### Senate Bill No. 316.

(By unanimous consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 316, A bill to be entitled "An Act to reorganize the Thirty-ninth Judicial District of Texas so as to omit therefrom the county of Throckmorton, fixing the terms of the holding of the district court in each of the counties in said Thirty-ninth Judicial District of Texas; placing the county of Throckmorton in the Ninety-second Judicial District of Texas, fixing the time for holding of court by the district court of the Ninety-second Judicial District of Texas in the counties of said district; transferring from the docket of the district court of Throckmor-

ton County, Thirty-ninth Judicial District, all causes, motions and other matters to the docket of the district court in said county, Ninety-second Judicial District of Texas perpetuating the Ninety-second Judicial District of Texas as created by Chapter Seventy-six (76) of the General Laws of the Thirty-eighth Legislature passed at its Regular Session and providing for the continuation in office of the judge of said district and prescribing the duties of other officers of said Ninety-second Judicial District in Throckmorton County; repealing all laws in conflict herewith, and declaring an emergency."

The committee report, with amendments, and that the bill be not printed, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 316 put on its third reading and final passage, by the following vote:

Yeas—30.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Fairchild.	Russek.
Floyd.	Smith.
Hardin of Erath.	Strong.
Hardin of Kaufman	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Miller.	Wirtz.
Moore of Hunt.	Witt.
Moore of Cooke.	Wood.
Murphy.	Woodward.

Absent.

Parnell.

S. B. No. 316 was laid before the Senate, read third time and passed finally, by the following vote:

Yeas—27.

Bailey.	Miller.
Berkeley.	Moore of Hunt.
Bledsoe.	Moore of Cooke.
Bowers.	Parr.
Davis.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Hardin of Erath.	Reid.
Hardin of Kaufman	Russek.
Holbrook.	Smith.
Lewis.	Triplett.

Ward.  
Wirtz.  
Witt.

Wood.  
Woodward.

Nays—2.

Murphy.

Strong.

Absent.

Parnell.

Stuart.

Adjournment.

On motion of Senator Strong the Senate at 5:30 o'clock p. m. adjourned until 9:30 o'clock tomorrow morning.

## APPENDIX.

### Committee Reports.

Committee Room.

Austin, Texas, March 4, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 572, A bill to be entitled "An Act to amend Section 1, Chapter 108 of the Local and Special Laws enacted by the Thirty-third Legislature at its Regular Session in 1913, same being a special road law for Wharton County, by adding thereto Section 1a to permit the issuance of bonds by Wharton County for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 4, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 189 carefully examined and compared, and find same correctly engrossed.

STRONG, Chairman.

## THIRTY-NINTH DAY.

Senate Chamber,

Austin, Texas.

Thursday, March 5, 1925.

The Senate met at 9:30 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.